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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,166	07/12/2004	Albert Maria Arnold Rijkaert	NL020011	5382

7590 08/02/2007
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EXAMINER

MEDE, ESTEVE

ART UNIT PAPER NUMBER

2137

MAIL DATE DELIVERY MODE

08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,166

Applicant(s)

RIJKAERT ET AL.

Examiner

Esteve Mede

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification does not provide for the section heading as described above.

Appropriate correction is required.

Claim Objections

1. Claims 2-6, 8 and 11 are objected to because of the following informalities:

In claims 2-6, the term "a method" should be --the method--.

In claim 8, the term "a system" should be .the system--.

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In claim 11, the term "an information distribution" should be --the information distribution--.

In claim 2, line 5 the term "a specification of respective range of a time-stamp values" should be --the specification of the respective range of the time-stamp values--.

In claim 2 and 8, lines 9-10 the term "selection each respective distance value from a set of two or more distance values" should be --selecting each on of the respective value from a set of two or more of the distance values--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The term "Substantially" in claims 1, 3, 5, 6-7, 9-10 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore (US 6,363,149).

Regarding claims 1, 7, Candelore discloses a method of distributing units of encrypted information and providing conditional access to the units using a secure device capable of selectively enabling decryption of said units, the method comprising; distributing a stream comprising the units of information successively each linked to a respective time-stamp (col. 10, lines 55-67, lines 33-42; col. 11, lines 1-15);

Sending an entitlement management message to the secure device, the entitlement message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of units of information that are linked to time-stamp with values in that range (col. 11, lines 34-49), wherein the range has a starting point and substantially prior to a time value of the time stamps distributed concurrent to the entitlement message (col. 11, lines 1-15; col. 10, lines 55-67; col. 9, lines 49-67) a memory card (col. 6, lines col. 7, lines 13-34).

Regarding claims 2, 8 and 11, Candelore discloses the method wherein the stream is distributed to a plurality of subscribers (col. 12, lines 59-64); each with an own secure device is an intrinsic property of the claimed invention, as without the secure device the content cannot be rendered to the customers (col. 6, lines 52-65; col. 9, lines 1-7); and wherein the entitlement management message is one of a plurality or respective entitlement management messages, each sent receivable for the secure

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device of a respective one of the subscribers (col. 7, lines 24-35), each entitlement management message including a specification of a respective range of time-stamp values (col. 11, lines 34-49), comprising;

Receiving subscriber dependent information (col. 12, lines 54, lines 54-64)

Setting a distance of said starting point to said time value in each of the respective ranges according to a respective distance value (col. 12, lines 60, 64; col. 10, lines 32-42 and selecting each respective distance value from a set of two or more distance values, dependent on the subscription information for the subscriber for whose secure device the entitlement management message is receivable (col. 9, lines 35-62; see figure 5A of the drawings).

Regarding claim 6, Candelore discloses sending further entitlement messages in addition to said entitlement messages, the further entitlement management specifying the further range and entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that further range (Col. 10, lines 42-67).

Regarding claim 3, Candelore discloses the method wherein the entitlement management message is one of a series of successive ones entitlement management messages, each specifying its own range so that said slides with time so that the stating point substantially has a time independent distance to said time value (col. 4, lines 15-18; col. 9, lines 25-29; col. 11, lines 34-49; col. 10, lines 22-53).

Regarding claim 5, Candelore discloses the method wherein the range ends substantially before the time value of the time stamp distributed concurrent with said one of the entitlement messages (col. 11, lines 34-49).

Regarding claim 9, Candelore discloses an input for receiving entitlement management messages (col. 4, lines 36-65); a memory for maintaining a current time count (col. 6, lines 52-67; col. 7, lines 1-12); a management unit for selectively enabling decryption of the information units under control of the entitlement management messages that includes a specification of a range of time-stamp values linked to units of information, for which the secure device has to enable decryption, wherein the extending substantially prior to the current time count (col. 4, lines 35-67; col. 6, lines 52-64; col. 10, lines 33-43).

Regarding claim 10, Candelore discloses an information distribution device arranged to distribute a stream of successive units of encrypted information to a secure device, each unit linked to a respective time-stamp; the device having; a transmitting unit for transmitting an entitlement management message including a specification of a range of time-stamp values and entitling the secure device to enable decryption of units of information that are linked to time-stamps with values in that range so that the range has a starting point substantially prior to a time value of the time stamps distributed concurrent with the entitlement message (col. 10, lines 5-27; col. 4, lines 35-67; col. 6, lines 52-64; col. 10, lines 33-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (US 6,363,149) in view of Thexton et al. (US 6,772,435).

Regarding claim 4, Candelore discloses adjusting said starting point to a time independent distance before the current time value, the secure device deriving the time independent distance from said one of the entitlement management unit at least for a series of successive current time value (col. 10, lines 60-67; col. 13, lines 1-15; col. 11, lines 34-49).

However, Candelore does not disclose a secure device that maintains and updates a current time value corresponding to the time value of the time stamps as they are distributed as a function of time.

Thexton discloses a synchronizer to update current time value corresponding to the time value of the time stamps as they are distributed as a function of time (col. 1, lines 55-60). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Candelore to include the use of a synchronizer in order to update the current time, such that subscriber may access past broadcast content at a later date.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

EM
July 26, 2007


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER